

**City of Selah
Council Minutes
of
April 13, 2004**

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Bob Jones called the meeting to order at 4:05pm.

B. Roll Call

Members Present: Brian Harris, Jerry Kobes, Keith Larson, Pete McNew, Allen Schmid, Scott Smeback

Members Excused: Herb Schmidt

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Rick Gutierrez, Police Chief; Jerry Davis, Fire Chief; Joe Henne, Director of Public Works; Jeff Hagler, Parks & Recreation Director; Dennis Davison, Community Planner; John Gawlik, Building and Code Enforcement Officer; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Harris led the Pledge of Allegiance.

D. Agenda Changes

City Supervisor Frank Sweet requested pulling Item L – 1 Reconsideration of Motion To Approve the Proposal of the Selah Community Days To Construct and Maintain a Memorial Rose Garden. He stated there are continuing discussions among the Selah Community Days Board, the Parks Board and City officials regarding the location of this garden, and when a proposal is ready, he will bring it back at that time.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Letter and Certificate United Way of Yakima County

Mayor Jones read a letter to Police Clerk Jack O'Dell from Jamie Apodaca thanking him for his efforts in getting a police field trip for her son Dillon. He read another letter to members of Police Department

from Janelle and Rod Howell & Family thanking them for the security and pride given to the community of Selah. He praised the Police Department for the great job they do.

H. Proclamations/Announcements

1. Proclamation – A Day To Play Ball!

Mayor Jones read the Proclamation designating April 17, 2004 as a Day To Play Ball! The Mayor urged citizens to attend the festivities dedicating McGonagle Field on April 17, 2004. He praised the field and the community and volunteer spirit that made it possible.

Councilman Schmid asked if it is appropriate for the entire Council to attend and whether there would be a question related to meeting laws. It was suggested that Council Members do attend and feel comfortable mixing with the crowd.

I. Consent Agenda

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: March 23, 2004
- * 2. Approval of Claims & Payroll – Claims check nos. 42792 – 42918 for a total of \$175,919.61 and Payroll check nos. 53229 – 53344 for a total of \$145,832.82.

Councilman Schmid asked that Item M – 1 be removed from the Consent Agenda because it deals with Item K-1. Without object, it was moved to the regular Agenda.

Mayor Jones read the Consent Agenda as amended.

Councilman Kobes moved and Councilman Schmid seconded to approve the Consent Agenda. By voice vote, the motion passed unanimously.

J. Public Hearings

There were no Public Hearings.

Item M - 4 Resolution Authorizing the Mayor To Sign the Interlocal Cooperation Act Agreement for Establishment of Yakima County Tourism Promotion Area

Without objection, Mayor Jones moved the Agenda to Item M - 4 .

Kathy Coffey, Director of the Yakima Visitors & Convention Bureau, addressed the Council. She noted this is the agreement she discussed at a previous Council Meeting. She stated she needs approval on this agreement so that it can be sent on to Union Gap, the City of Yakima and Yakima County. She stated this agreement places a sub-assessment on the hotels and motels within the boundaries, a “bed tax” for purpose of tourism promotion, specifically marketing of conventions and trade shows, marketing of major sporting events. She reviewed zones on pages five and six as follows:

Zone A encompasses all geographic locations within the area of the City of Yakima defined as follows:
Downtown core bordered from the centerline of East "0" Street to the North, the centerline of Third Street to the West, the centerline of East Spruce Street to the South and the centerline of Interstate 82 to the East. \$1.50 per room/day

Zone B encompasses all geographic locations within the area of the incorporated limits of the City of Yakima, the City of Selah and the City of Union Gap, except the geographic locations that comprise Zone. \$0.75 per room/day

Zone C encompasses all geographic locations outside Zones A and B, but within the unincorporated area of Yakima County. \$0.50 per room/day

She stated these fees would only be applicable to motels with 40+ rooms. She stated a list of operators of lodging businesses would be given to the Selah City Council from which they would chose one voting delegate to the Yakima Hotel and Motel Commission. They would in turn select one nonvoting delegate from their membership. She stated the duration of the agreement would be for five years after which any party to the agreement could withdraw, thereby terminating the collection of tourism promotion charges from the geographic area and removing the area from tourism promotion.

After some confusion about which “final version” of the agreement is proposed, Councilman Larson asked what significant changes have been made.

Ms. Coffey responded that the most significant changes are relative to the County and the change from a ten-year term to a five-year term, the remainder being primarily wording, definition and punctuation changes changes.

Councilman Schmid noted that this agreement is relevant to Selah even though the City does not currently have a hotel or motel. He noted that promotion of sporting events is very important to Selah. He stated the issue with this agreement has always been that the City of Yakima has control of what happens with the budget; however, with the inception of the Yakima Hotel and Motel Commission that commission will have oversight of the budgets. He stated the motel owners group has already told the City of Yakima that if they take away the money they already pay to the Visitors & Convention Bureau the agreement will go back to square one. He explained that Selah’s representation on the Commission will allow some oversight.

Councilman Jerry Kobes, spoke for the Selah Chamber of Commerce, expressing support for tourism efforts and anything the City or Chamber can do to promote the community and the area of Central Washington.

There was additional discussion about the number of “final drafts,” and Councilman Larson asked if there is a deadline to adopt the agreement, noting his frustration at not having time to review the most current document.

Ms. Coffey said the deadline is April 15, which will allow hotels to begin collecting the fees in July.

Mayor Jones asked Councilman Schmid if he feels comfortable with the agreement. Councilman Schmid said he reviewed more than one draft of the agreement and feels comfortable with the modifications that have been made.

City Attorney Bob Noe suggested that if the Council wished to authorize the Mayor to sign the document, they could do that subject to a review of the five-year (final) version.

Councilman Schmid moved to approve the Resolution Authorizing the Mayor To Sign the Interlocal Cooperation Act Agreement for Establishment of Yakima County Tourism Promotion Area upon the review by the City Attorney. Councilman Smeback seconded. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

K. New Business

1. Notice of Intent To Annex - McGonagle Park Annexation (File:920-42-04-1)

Community Planner Dennis Davison referred to the map and notice included in the Council packet.

Councilman Larson questioned annexing an “island” of property.

The Community Planner assured the Council that that kind of annexation is permissible if the property is to be used for municipal purposes. He pointed out a motion included in the materials and requested the Council to use it.

Councilman Larson moved and Councilman Smeback seconded to accept the City of Selah’s McGonagle Park “Notice of Intent To Annex and (1) Establish as the proposed annexation boundary the staffs recommended Exhibit and (2) If ultimately annexed the property would be zoned One-Family Residential (R- 1) on the date of annexation.

Councilman Schmid asked if it is compatible with the City’s zoning rules to have a ballpark in an R-1 zone. Community Planner Davison responded that since the land use is establish before annexation, it will be “grandfathered” in.

Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

L. Old Business

1. ~~Reconsideration of Motion To Approve the Proposal of the Selah Community Days To Construct and Maintain a Memorial Rose Garden~~ WITHDRAWN

M. Resolutions

1. Resolution Establishing April 27, 2004 as the Public Hearing Date To Consider the McGonagle Park Annexation

Community Planner Dennis Davison stated this Resolution sets the Public Hearing date.

Councilman Schmid moved and Councilman Larson seconded to approve the Resolution Establishing April 27, 2004 as the Public Hearing Date To Consider the McGonagle Park Annexation. By voice vote, the motion passed unanimously.

2. Resolution Awarding the Contract for the 2004 Street Maintenance Project to Superior Paving Company and Authorizing the Mayor To Sign Contract Documents upon Preparation

Public Works Director Joe Henne stated that this year he budgeted to do some street work, some chip-sealing and to pave South 5th Street from Pleasant to Southern, to redo parking lots and repave along Selah Avenue. He reported two bids were received, one from Columbia Asphalt and the other from Superior Paving. He stated Superior’s low bid was \$98,354.50 and with this bid amount and the engineering, they will be able to come in under the bid amount. He requested the Council award the bid

to Superior, noting Schedule D – 12th Street was added to the original projects, but it will still allow the cost to come in under the estimate.

Mayor Jones asked if they intended to chip seal Lookout Point. Mr. Henne responded that they lack sufficient right-of-way to complete that project. He stated that short of buying the right-of-way, they will have to wait for the landowner to dedicate it.

There was some discussion about ways to spend the apparent overage of \$20,000; however, Mr. Henne said that would be used for fees for construction engineering as well as engineering that has already been done for these street projects.

Councilman Smeback moved and Councilman Schmid seconded to approve the Resolution Awarding the Contract for the 2004 Street Maintenance Project to Superior Paving Company and Authorizing the Mayor To Sign Contract Documents upon Preparation. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

3. Resolution Authorizing the Mayor to Sign an Easement to the Selah Covenant Church for an Underground Sewer Line

The Public Works Director stated there is a lift station being installed out at McGonagle Park and Selah Covenant Church lines will need to cross City property to reach that lift station. He noted the understanding is that when sewer is brought in, they'll abandon this easement. He stated this will be located outside the paved parking, that his department will complete tomorrow.

Councilman Larson moved and Councilman Kobes seconded to approve the Resolution Authorizing the Mayor to Sign an Easement to the Selah Covenant Church for an Underground Sewer Line. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

4. ~~Resolution Authorizing the Mayor To Sign the Interlocal Cooperation Act Agreement for Establishment of Yakima County Tourism Promotion Area~~ CONSIDERED PREVIOUSLY FOLLOWING HEADING “J”

N. Ordinances

1. Ordinance of the City of Selah Adopting a new Chapter to the Selah Municipal Code, Chapter 6.75, “Code Enforcement”; Providing for Severability; and, Establishing an Effective Date

City Attorney Bob Noe stated N-1 and N-2 are the ordinances addressed in the Study Session.

Mayor Jones stated these “teeth” are necessary to accomplish the goals for a safe and clean community.

Councilman Schmid moved and Councilman Larson seconded to approve the Ordinance of the City of Selah Adopting a new Chapter to the Selah Municipal Code, Chapter 6.75, “Code Enforcement”; Providing for Severability; and, Establishing an Effective Date. Councilman Schmid stated that lots of time and effort has gone into these ordinances, and while they may not be perfect, they are something to work with.

Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

2. Ordinance of the City of Selah Amending Selah Municipal Code Chapter 6.58 “Nuisances,” Providing for Severability, and Establishing an Effective Date

City Attorney Bob Noe says this is the counterpart of the previous ordinance, serving to clarify and define those things which are considered “nuisances.”

Councilman Larson moved and Councilman McNew seconded to approve the Ordinance of the City of Selah Amending Selah Municipal Code Chapter 6.58 “Nuisances,” Providing for Severability, and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

3. Ordinance Establishing the 2004 Salary Schedule for Management, Confidential and Unrepresented Employees

Mayor Jones stated the Finance Committee and he have spent a great deal of time on this Ordinance. He stated that of the eight cities compared, the City of Selah is most similar to Union Gap. He stated the schedule uses a guideline of 2.5-5.5% adjustment to bring everyone up to an equitable pay scale. He stated that the City has saved approximately \$4500 by eliminating life insurance coverage on patrolmen, which duplicates coverage provided by the state. He stated a lot of thought and a lot of work went into the salary packages. He noted there are a lot of differences in the way cities operate their personnel.

Councilman Smeback stated the Committee set up a percentage guideline to follow a cost-of-living increase with an adjustment cap. He stated it is a long-term way to deal with increases.

Councilman Larson stated compensation is always a difficult topic since it’s not enough from an employee’s perspective and too much from a management perspective.

Councilman Harris stated the cost-of-living makes sense, and people should not expect to get raises every year.

Mayor Jones noted two more initiatives are being promoted by Tim Eyman that may further restrict the tax base for cities. He praised the work done by the Public Works crew. He stated the work of the Fire Chief, Police Chief and Public Works Director cannot be adequately compared to each other; each is important to the City. He praised City Supervisor Frank Sweet and Clerk/Treasurer Dale Novobielski. He stated he wishes the City could pay all employees more. He thanked the Finance Committee members for their hard work.

Councilman Larson moved and Councilman Harris seconded to approve the Ordinance Establishing the 2004 Salary Schedule for Management, Confidential and Unrepresented Employees. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Selah Municipal Court Monthly Report – March 2004
 - b. Fire Marshal Monthly Report – March 2004

Fire Chief Jerry Davis introduced John Shipley new Firefighter/EMT who started with the Department April 1, 2004 who has been a volunteer fireman for twenty years. Mayor Jones congratulated Mr. Shipley.

Fire Chief Davis reported maintenance on seven brush trucks was done today.

Councilman Smeback stated it is a huge step for the City passing Nuisance and Code Enforcement Ordinances to ensure the City is clean, neat and safe. He stressed the importance of protecting the rights of those property owners who care for their property.

Councilman Brian Harris reminded Council Members of the free yard waste pick-up April 26–30 and urged all to come to the McGonagle Field dedication on Saturday.

Councilman Jerry Kobes recognized Jon Mulvenon, Senior Director of Cascade Natural Gas in the audience.

Councilman Allen Schmid stated everybody got a copy of the Visitors Guide and Annual Report. He stated he gave Bob and Frank copy of Board financial statements, and those can be made available to anyone who's interested. He stated the Visitors & Convention Bureau is tagging everything with "Selah, Gateway to Yakima River Canyon." He stated the logo will be incorporated on light panel and kiosk. He predicted this involvement with others in the area will pay off for the City.

Councilman Pete McNew stated the Nuisance/Code Enforcement supports the rights people have to a clean City. He praised the Police Department annual report and suggested taking time in the April 27 meeting to review it.

Public Works Director Joe Henne asked anyone having a request for Community Days to get it in as soon as possible. He reported McGonagle Parking lot will be paved tomorrow. He stated the pre-conference with Superior is scheduled for Friday, and he wants to get Wixson street done before Community Days.

Mayor Jones reported Dan Simmons ex-Mayor of Zillah is in the hospital in very serious condition. He stated the crew did a good job taking out sod, and he and Jimmy will paint apples in street again for Community Days.

City Supervisor Frank Sweet reminded the Mayor and Council they need an Executive Session to discuss real estate.

Q. Executive Session

The Council moved into Executive Session at 5:14pm to discuss real estate.

R. Adjournment

The Council moved back into Regular Session at 5:43pm.

Councilman Schmid moved and Councilman Larson seconded to authorize the Mayor to sign an offer to purchase 5.75 acres from Fred and Barbara Johnson for \$109,975.00 and further authorize the Mayor to sign all other documents necessary to close the sale. By voice vote, motion carried unanimously.

Council Member Schmid moved and Council Member Kobes seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:47pm.

Robert L. Jones, Mayor

Gerald Kobes Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Allen Schmid, Council Member

(Excused)

Herb Schmidt, Council Member

Scott Smeback, Council Member

Brian Harris, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer